REMARKS

Claims 1 to 14 are pending in this application, of which claim 1 is the sole independent claim. Favorable reconsideration and further examination are respectfully requested.

Initially, Applicant thanks the Examiner for the indication that claims 9 and 10 contain allowable subject matter. Applicant, however, has not rewritten those claims in independent form as kindly suggested by the Examiner because Applicant believes that the claims are patentable as they currently stand, as described in more detail below.

Claims 1, 3, 4, 11 and 12 were rejected over U.S. Patent No. 6,385,456 (Menzel); claims 2 and 5 to 7 were rejected over Menzel or U.S. Patent No. 6,381,260 (Bahrenburg); and claims 13 and 14 were rejected over Menzel or U.S. Patent No. 6.351,458 (Miya). Applicant respectfully traverses these rejections for at least the following reasons.

Initially, Applicant notes that Bahrenburg has an effective date of April 17, 2000[1], which is later than earliest priority date of the subject application, namely September 4, 1998. Accordingly Applicant is submitting herewith a certification that the English-language translation filed in this application is an accurate translation of the corresponding German priority application, namely DE19840507.3. In view of this submission, Applicant respectfully request that Bahrenburg be removed as reference against the subject application. Accordingly, claims 2 and 5 to 7, whose rejections require Bahrenburg, are believed to be patentable.

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[1] It is noted that the PCT application to which Bahrenburg claims priority was not published in English. Therefore, Bahrenburg cannot rely on the Oct. 9, 1998 filing date of its PCT application. In any case, that filing date is after the earliest priority date of the subject application.

Turning to the remaining rejections, independent claim 1 defines a method of measuring transmission characteristics of radio channels in a radio communications system having base stations and a radio station. The radio communication system utilizes a timeslot structure in a time frame for transmitting data. The method comprises one of the base stations transmitting the data as bursts to the radio station, each burst having a channel measurement sequence. The one of the base stations transmits the channel measurement sequence in at least one timeslot in which no data is transmitted from the one of the base stations to the radio station.

The applied art is not understood to disclose or suggest the foregoing features of claim 1. In particular, the art is not understood to disclose or to suggest that one of the base stations transmits the channel measurement sequence in at least one timeslot in which no data is transmitted from the base station to a radio station.

In this regard, it was stated on page 2, paragraph 2, of the Office Action that Menzel teaches the foregoing feature of claim 1. In particular, the Office Action states:

> the one of the base stations transmitting the channel measurement sequence in at least one timeslot (Figure 4, time slots with hatching from left bottom to top right) in which no data is transmitted from the one of the base stations to a radio station. In Figure 4, the time slots with slots with hatching from left bottom to top right are used for monitoring the neighboring cells and not for data transmission.

Applicant, however, respectfully disagrees with this characterization of Menzel.

More specifically, Menzel transmits data packet segments (DPS) over a plurality of time slots TN of a time slot frame T (see, column 4, lines 45 to 50 of Menzel). The "transmission takes place simultaneously over the five time slots TN0 to TN3, which is illustrated by hatching

from bottom left to top right". Menzel explains that, in these slots, the data transmission rate is reduced, not stopped (see, e.g., column 5, lines 25 to 30 of Menzel). Specifically, Menzel states:

> In the illustration in FIG, 4, the data rate is briefly reduced during the ongoing connection. The time slot frames in which this takes place are indicated by hatching from left bottom to top right.

Thus, Menzel does not disclose or suggest transmitting a channel measurement sequence in at least one timeslot in which no data is transmitted. Rather, Menzel discloses a system in which *data is always transmitted*, only in some instances the rate of transmission is reduced.

For at least the foregoing reasons, claim 1 is believed to be patentable over the art.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, all dependent claims have not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please charge any additional fees, not already covered by the enclosed check, or credit any overpayment, to deposit account 06-1050, referencing Attorney Docket No. 12758-020001.

Applicant's attorney can be reached at the address shown above. Telephone calls regarding this application should be directed to 617-521-7896.

Respectfully submitted,

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